MATTER OF CAMPTON

In Deportation Proceedings

A–11959846

Decided by Board April 3, 1970

Respondent, who is a crewman by occupation, and whose last entry was sought and gained solely in pursuit of his occupation, having served on a pleasure craft for which he was receiving remuneration but no regular salary, is statutorily ineligible for adjustment of status under section 245, Immigration and Nationality Act, as amended, notwithstanding his admission as a temporary visitor for pleasure upon presentation of a valid nonimmigrant visa. [*Matter of Rebelo*, Int. Dec. No. 1926, distinguished.]

CHARGE:

Order: Act of 1952—Section 241(a)(2) [8 U.S.C. 1251]—Nonimmigrant (temporary visitor for pleasure)—remained longer.

ON BEHALF OF RESPONDENT: Robert O. Wells, Jr., Esquire
Long, Mikkelborg, Wells & Fryer
912 Logan Building
Seattle, Washington 98101
(Brief submitted)

The 39-year-old respondent is a single male alien, a native and national of Australia. He completed an apprenticeship course for the trade of baker and pastry cook in his native land in 1951, and for the next seven years operated his own bakery shop in Tasmania. He sold that business in 1958, and since then has centered his life around racing and/or pleasure yachts.

The respondent's immigration record since 1958 shows many entries into the United States as a crewman, as a transit alien, and as a temporary visitor. But our concern here is limited to his more recent entries.

On April 28, 1967, the respondent obtained a nonimmigrant visa of the B–2 type (temporary visitor for pleasure) at the United States Consulate in Mazatlan, Sinaloa, Mexico. That document was valid for multiple application for admission at United States